

REMARKS

Reconsideration of the finality of the prior rejection is respectfully requested. Since the claims are only amended to substantially accept claims indicated to be allowable, the amendments presented herein may be appropriate, even if the finality was correct.

However, if it is believed that a new search or further consideration would be necessitated by any of these amendments, it is believed that the finality of the prior rejection should be reconsidered. Since all of the claims, but claim 1, were previously indicated to be allowable or allowed, no amendment of those claims (other than claim 1) was made and, therefore, the finality is inappropriate. M.P.E.P. § 706.07(a) states that "a second or any subsequent action on the merits ... will not be made final if it includes a rejection, or newly cited art ... of any claim not amended by the Applicant." Here, all of the claims, except claim 1, were not amended and, yet, were rejected for the first time on newly cited art. Therefore, the finality would not be appropriate.

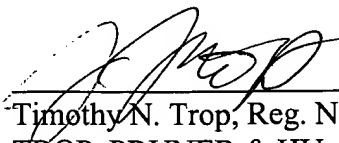
Claim 1 has been amended to include the subject matter of former dependent claim 9, indicated to be allowable. Claim 11 has been amended to include the subject matter of former dependent claim 20, indicated to be allowable.

Claim 21 has been amended to include the subject matter of claim 23, indicated to be allowable. New claim 31 corresponds generally to claim 26, which was indicated to be allowable and depended previously on claim 21.

Therefore, the application should now be in condition for allowance.

Respectfully submitted,

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